REMARKS

Reconsideration of the objection to the drawing is requested. Applicant believes it important for the Office to keep in mind that the claims of the type objected to (i.e., now new Claims 36, 39, 44 and 46) are method claims whose salient features are steps that utilize otherwise conventional structures whose illustration would not serve to inform the present invention. Applicant submits that Fig. 10 and the description of the claimed process at [0046] and [0047] of the Specification fully carry out that function to enable one skilled in the art to make and use the invention.

The allowance of Claims 23-16 and 32-35 is noted with appreciation. Presumably, new Claims 36-39 should be similarly allowed.

Likewise, the indication of allowability of Claims 20-22 and 29-31 is noted with similar appreciation. In light of that indication, Applicant has also submitted new Claims 40-47. Claim 40 combines previous Claim 18 with one feature of allowable Claim 20 now canceled. New Claim 41 was previously found in now-canceled Claim 18, and Claims 42-45, respectively, substantially correspond to canceled Claims 19-22 not already found in new Claims 40 or previous Claim 20.

The rejection of Claims 18, 19, 27 and 28 as being anticipated by Maus et al., under 35 U.S.C. § 102(b) is traversed, and reconsideration is respectfully requested.

Maus et al., do not teach or suggest the detection of a missing or an incorrect exhaust-gas purifying agent as now set forth in new Claims 40-47.

Applicant addressed himself to detecting whether a certain exhaust-gas purifying component is present at that place where it should be present. This is a central characteristic for proper operation of the exhaust-gas after treatment system and is essential for complying with various legal regulations. These regulations may require, for example, detection of whether an exhaust-gas purifying component has been detached.

Applicant recognized that a more general solution to the detection problem could be achieved by comparing the temperatures at the inlet and the outlet side of that exhaust pipe section in which the exhaust-gas purifying component should be accommodated. As the exhaust-gas purifying component exhibits a thermal mass and functions as a heat sink, the thermodynamic properties or heat-storing and/or fluid-dynamic action of the component can cause differences between the temperatures, or the course of temperatures, at the inlet side and the outlet side, particularly at non-stationary conditions which are most of the time present during driving operation. Taking known thermodynamic properties of the exhaust-gas purifying component, a comparison of the inlet side temperature and the outlet side temperature, of the course (i.e., time derivations) of these temperatures allows, not only the presence the exhaust-gas purifying component to be adequately assessed, but also whether a present exhaust-gas purifying component is the appropriate component. Maus et al.,

never recognized, however, that it is a measured (outlet side) temperature can be compared with a calculated (outlet side) temperature or time derivatives thereof to accomplish this objective.

Accordingly, early and favorable action is now earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #095309.55755US).

Respectfully submitted,

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